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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,677	03/15/2004	Satoshi Ozaki	249907US2RD CONT	8652

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
NGUYEN, TANH Q	

ART UNIT	PAPER NUMBER
2182	

NOTIFICATION DATE	DELIVERY MODE
09/20/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No.	Applicant(s)	
	10/799,677	OZAKI ET AL.	
	Examiner	Art Unit	
	Tanh Q. Nguyen	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 June 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,18 and 19* is/are pending in the application.

4a) Of the above claim(s) *8,9 and 19* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 09/704,606.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *05/11/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on June 25, 2007 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of US Patent No. 6,721,811 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-7, 11-18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Oberhaus et al. (US 6,983, 308), and alternatively over Oberhaus et al. in view of Woo et al. (US 5,948,059).

5. As per claim 1, Oberhaus teaches a portable message processing device (a hand-held computing device for receiving e-mail [col. 1, lines 35-36]) which can be connected to different networks at different times (a hand-held computing device **can** be connected to different networks at different times), comprising:

a recognition unit configured to recognize a particular network to which the portable message processing device is currently connected (when the user synchronizes the e-mail from the hand-held computing device with a desktop computer over dedicated wires [col. 1, lines 47-50], it is necessary for the hand-held computing device to recognize the network comprising the desktop computer and the hand-held computing device to properly synchronize the e-mail; furthermore when e-mail are synchronized over network connection from a device, it is necessary for the device to recognize the network to which it is connected to, in order to ensure proper communication);

a memory configured to store messages in the portable message processing device (a memory is necessary to store e-mail for access by the user);

a message collection unit configured to collect messages addressed to the user from message servers distributed on a plurality of networks and to store the messages into the memory (when the user accesses the e-mail from message servers, the e-mail addressed to the user are collected and stored on the hand-held device); and

a message transmission unit configured to transmit the messages stored in the

memory, in response to a request for viewing the messages from another device connected to the particular network (when a request is made to synchronize the e-mail from the desktop computer, the appropriate e-mail in the memory of the hand-held computing device are transmitted for synchronization and for viewing).

Oberhaus discloses the invention except for determining communication methods for accessing the message servers, and except for collecting messages addressed to the user from the message servers using the determined communication methods.

It was known in the art at the time the invention was made to determine the communication methods for accessing message servers when accessing the message servers, and using the determined communication methods to properly receive and/or transmit the e-mail. It would have been therefore obvious to one of ordinary skill in the art at the time the invention was made to determine the communication methods of the message servers and using the communication methods in collecting the messages addressed to the user from the message servers, in order to ensure proper collection of the e-mail.

Alternatively, Woo teaches determining the communication methods for accessing message servers [102, 104 - FIG. 1; 214, FIG. 2; col. 3, lines 51-55] when accessing the message servers, and using the determined communication methods to receive and/or transmit the e-mail [col. 4, lines 46-49] - in order to store, retrieve, access and manage messages which are in different formats and different media types - regardless of the form and the protocol used to manage and store the messages from

any media available to the user (col. 2, lines 47-52].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to determine the communication methods of the message servers and using the communication methods in collecting the messages addressed to the user from the message servers, as is taught by Woo, in order to store, retrieve, access and manage messages which are in different formats and different media types - regardless of the form and the protocol used to manage and store the messages from any media available to the user.

6. As per claim 2, it was known in the art at the time the invention was made to store unprocessed messages from a memory into an external memory device when the unprocessed messages exceed the capacity of the memory - in order to preserve the unprocessed messages for processing at a later time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a unit configured to store unprocessed messages into an external memory device according to the user specifying preserving the unprocessed messages when the capacity of the memory is exceeded - in order to process the unprocessed messages at a later time.

7. As per claim 3, it was known in the art at the time the invention was made to delete messages that are no longer necessary to conserve memory space. It would have been obvious to one of ordinary skill in the art at the time the invention was made to delete the messages from the memory and/or the external memory device once the messages are processed - according to the user specifying that the information is no longer necessary, in order to save memory space.

8. As per claim 4, Oberhaus teaches synchronization of e-mail between two devices [col. 1, lines 45-50], hence teaches another device requesting synchronization with the portable message processing device. When the portable message processing device receives the request for synchronization from the another device, the message processing device processes the message according to the request for synchronization (functions) provided at the another device.

9. As per claim 5, it was known in the art at the time the invention was made to query a network domain of a particular network and use the network domain to determine whether a server is accessible to the particular network. It would have been obvious to one of ordinary skill in the art at the time the invention was made to inquire a network domain of the particular network, in order to use the network domain to determine message servers that are accessible to the particular network.

10. As per claim 6, it was known in the art at the time the invention was made for a message processing device to provide an address of a message stored on the message processing device (e.g. the source of the message stored on the message processing device) when a request for synchronization is received from another device, in order to allow the another device to determine the source of the message. It would have been obvious to one of ordinary skill in the art at the time the invention was made to notify the another device of an address of a message of the message processing device, in order to allow the another device to determine the source of the message, in response to a request for synchronization (a form of inquiry) and to determine whether the message is appropriate for synchronization.

11. As per claim 7, Oberhaus teaches the portable message processing device being a hand-held computing device [col. 1, lines 35-36], hence storing the messages into the memory in response to a user request entered from an input device of the hand-held computing device (the user of the hand-held computing device entering a request to access a message server), the hand-held computing device further comprising a display unit configured to display the messages stored in the first memory on a display screen associated with the portable message processing device, in response to a user request entered from the input device.

Furthermore, it was known in the art at the time the invention was made for a hand-held device to be equipped with a radio communication device (either built-in or externally connected) in order to allow the hand-held device to communicate wirelessly, and to improve user mobility. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a radio communication device with the portable message processing device in order to allow the portable message processing device to collect the messages from wireless message servers, and in order to improve user mobility for the message processing device.

12. As per claim 18, Oberhaus teaches the another device being a desktop computer [col. 1, lines 45-50], hence the another device having an interface for viewing the messages. Oberhaus further teaches e-mail synchronization, hence the first memory maintaining the synchronized messages while and after the messages are viewed on the another device.

Response to Arguments

13. Applicant's arguments filed June 25, 2007 have been fully considered but they are not persuasive and/or moot in view of the new ground of rejection.

14. Applicant argues that Woo teaches an e-mail server and a voice-mail server on a shared network - hence the plurality of message servers not being distributed on a plurality of networks.

The argument is not persuasive because Woo teaches a network 510 [col. 11, line 63; FIG. 5] and a network 520 [col. 12, line 2; FIG. 5] - hence a plurality of networks. In addition, Woo also teaches a WAN [col. 4, line 7] - hence a network formed by a plurality of LANs [e.g. Cochran et al. (USP 7,240,106) at col. 1, lines 58-59] or a plurality of subnetworks [e.g. Bales (USP 7,246,168) at col. 6, lines 54-56 and FIG. 1].

15. It is also noted that applicant has not traversed the well-known statements of the prior office action. The well-known statements are therefore taken to be prior art (See Chevenard, 139 F.2d at 713, 60 USPQ at 241 - MPEP 2144.03C).

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanh Q. Nguyen whose telephone number is 571-272-4154. The examiner can normally be reached on M-F 9:30AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TANH Q NGUYEN
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100

September 14, 2007

TQN
September 14, 2007